REMARKS

Entry of the foregoing amendments to the application is requested on the grounds that the claims, as amended, patentably distinguish over the cited art of record or, alternatively, place the application in better condition for appeal. The claims more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. No new issues have been added which would require further consideration and/or search, nor has any new matter been added. The claims as amended are believed to avoid the rejections applied in the Final Office Action for reasons set forth more fully below.

The Final Office Action of October 3, 2007 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection are traversed and overcome. Upon entry of this Amendment, claims 21-24 and 29-33 remain in the application. Reconsideration of the claims is respectfully requested.

Claim 21 has been revised to more particularly point out and distinctly claim the subject matter that Applicants regard as the invention. The phrase "folded so that the one-piece double baffle includes at least two baffle profiles roughly parallel to each other" is now recited in claim 21. Applicants have also revised claim 21 to include the phrase "between the peripheral walls of the one-piece double baffle" to modify "central chamber." Other changes were made as necessary for proper grammar and syntax. Support for these revisions may be found throughout the application as filed, at least in Fig. 2 and claim 21 where Applicants had referred to "a one-piece double baffle", "the double baffle having peripheral walls that form a central chamber," and "the central chamber width between the walls of the double baffle…." Claim 24 has been revised to eliminate portions of claim 24 that are redundant with claim 21. It is submitted that no new matter has been added.

Claims 21-24 and 29-33 stand rejected under 35 U.S.C. 102(b) as being anticipated by Tokutake et al (EP 0480628 A1).

The Examiner states that claim 21 is anticipated where Tokutake et al. teach, among other recitations of claim 21, a double baffle having peripheral walls that form

a central chamber after brazing the heat exchanger. The Examiner states that Tokutake forms a central chamber between baffles as shown in the middle portion of Tokutake's header 3 in figures 2 and 3. The Examiner also states (without citation or support) that Tokutake anticipates the recitation that "when assembled the chamber width between the walls of the double baffle is larger near the contact area of the end tank than at the interior."

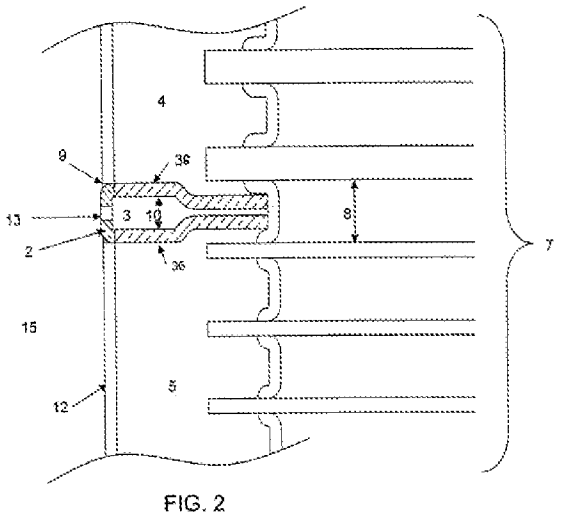
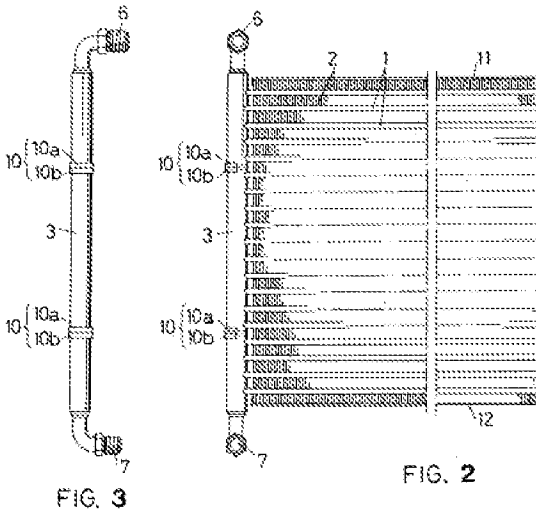
The Examiner further states that dependent claim 22 is anticipated because Tokutake et al. teach the tab is extended through the wall of the end tank to secure its position and form a seal supplemented by brazing. Yet further, the Examiner states that dependent claims 23 and 24 are anticipated because Tokutake teaches the tab and the baffle are constructed to form a leak tight seal by brazing, and in figure 16, respectively.

Further, the Examiner states that independent claim 29 is anticipated because Tokutake teaches, among other recitations of claim 29, providing a relief means oriented such that after assembly the relief means is located contiguous with or throughout the thickness of the tab. According to the Examiner, Tokutake's "(314 will relief [sic] into the gap between the baffle faces and out of slot 110 of the tank)."

Dependent claims 30 – 33 are rejected because, according to the Examiner, Tokutake teaches that the relief means (314) is through the thickness of the tab (312, 319) at a location contiguous with the tab (110) and that the baffle is formed of one piece (figure 16).

The Applicants respectfully take issue with the Examiner's characterization of Tokutake. Tokutake does **not** teach or suggest a central chamber between the walls of a **one-piece** double baffle. To further clarify this point in claim 21, Applicants have revised claim 21 to include the phrase "**between the peripheral walls of the one-piece double baffle**" to modify "central chamber." As previously shown above, support for this revision is throughout the application as filed, and at least in claim 21, where Applicants referred to "**a** one-piece double baffle", "**the** double **baffle** [singular] having peripheral **walls** [plural] that form a central chamber," and "the central

chamber width **between the walls of <u>the</u>** double baffle…." (**<u>emphasis</u>** and [explanations] added)

 FIG. 2	 FIG. 3 FIG. 2
Applicants' Fig. 2 shows central chamber 3 between walls of a one-piece double baffle.	Tokutake et al. Fig. 3 and Fig. 2 showing Examiner's "central chamber" is a heat exchanger header portion between **two** double baffles.

Additionally, the Examiner has not provided evidence of anticipation of the recitation that "when assembled the chamber width between the walls of the double baffle is larger near the contact area of the end tank than at the interior." Since Tokutake has **not** anticipated each and every recitation of claim 21, Applicants respectfully request withdrawal of the rejection of claim 21.

Applicants further take issue with the Examiner's characterization of Tokutake's "small protrusions" 314 as relief means. According to the Examiner, "(314 will relief [sic] into the gap between the baffle faces and out of slot 110 of the tank)." However, Tokutake never makes any claim or statement, express or implied, that fluid could flow through the protrusions or the baffles in any way. Moreover, Applicants respectfully point out that if the protrusions "relieve" as the Examiner stated, Tokutake has invented a <u>leaking</u> heat exchanger unsuitable for use as an

automotive heat exchanger. No one skilled in the art would make this mistake. Assuming *arguendo* that the protrusions were pierced through, they would be sealed in the brazing process. Even if brazing did not seal the protrusions, the space between the partition plates 112 and 113 is sealed with brazing agent. Applicants refer the Examiner to Tokutake at Col. 10, lines 50 – 51, where Tokutake recites that the gap between the partition plates 112, 113 "is **well clogged with the brazing agent** during the brazing process." In other words, there is no chamber between Tokutake's plates 112 and 113, and no path for liquid out through aperture 110 except in a defective product.

With regard to the Examiner's "Response to Arguments" (paragraph 4, page 4 of the Final Office Action), Applicants respectfully point out that the Examiner has mischaracterized Applicants' arguments. The Examiner incorrectly stated, "Applicant argues that Tokutake fails to teach a sealing technique," and "the heat exchanger of Tokutake is not used in automotive applications." The Examiner is referred to the actual argument (the paragraph bridging pages 11 and 12 of the amendment dated July 31, 2007) where Applicants stated

> Tokutake does not teach or suggest applying a sealing technique such that the double baffle remains in place after the assembly process and the completed heat exchanger assembly may be used in automotive applications, so that when assembled the central chamber width between the walls of the double baffle is larger near the contact area of the end tank than at the interior side.

Applicants respectfully submit that the Examiner took phrases from Applicants' arguments prejudicially and erroneously out of context.

As such, for at least the above reasons, it is submitted that Applicants' invention as defined in claims 21 and 29, and in those claims depending ultimately therefrom, is not anticipated, taught or rendered obvious by Tokutake, either alone or in combination, and patentably defines over the art of record.

In summary, claims 21-24 and 29-33 remain in the application. It is submitted that, through this Amendment, Applicants' invention as set forth in these claims is now in a condition suitable for allowance. Should the Examiner believe otherwise, it

is submitted that the claims as amended qualify for entry as placing the application in better form for appeal.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

DIERKER & ASSOCIATES, P.C.

/Julia Church Dierker/

Julia Church Dierker
Attorney for Applicant(s)
Registration No. 33368
(248) 649-9900, ext. 25
juliad@troypatent.com

3331 West Big Beaver Rd., Suite 109
Troy, Michigan 48084-2813
Dated: January 3, 2008
JCD/JBD/jc